

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>Abbott Laboratories,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 04-1251-GMS</b>
<b>v.</b>	)	
	)	
<b>Bayer HealthCare LLC,</b>	)	
<b>Defendant.</b>	)	
_____	)	

**[PROPOSED] ORDER OF DISMISSAL**

NOW THIS \_\_\_\_\_ day of \_\_\_\_\_ 2005, having considered the parties' positions with respect to the form of dismissal for this action, and upon good cause shown,

IT IS HEREBY ORDERED THAT:

1. Abbott' Laboratories' complaint against Bayer Healthcare LLC is hereby dismissed, *with prejudice*.
2. All counterclaims by Bayer against Abbott in this action are dismissed without prejudice.

\_\_\_\_\_  
Gregory M. Sleet  
UNITED STATES DISTRICT JUDGE